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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 4403 OF 2006

Mahmad Sarfaraj Nasir Shaikh . . . Applicant

Vs.

Sr. Police Inspector & Ors. . . . Respondents

Mr. R. S. Thakur, Advocate for
the applicant.

Mrs. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 15, 2007.

P.C.

. Heard Mr. Thakur, the learned counsel for the applicant and Mrs. Mhatre, the learned APP for the State. The applicant, who was arrested on 25-2-2006 in Crime No. 76 of 2006, registered by Karad police station, for the offences punishable under S. 379, 328 read with S. 34 of I.P.Code, seeks to be released on bail.

2. Prosecution case in brief is that, on 25-2-2006 Rajendra Narayan Jartare was proceeding from Belgaon to Mumbai by S.T. bus. At that time the present applicant and

his 3 companions were also travelling by the same bus. The complainant was having a bag containing gold ornament, worth Rs. 70,000/-. The complainant had about of cough. One of the accused offered some tablet, saying that it would give relief from cough. However, it was some stupefying intoxicated drug, due to which the complainant became unconscious for some time. He suspected that something was missing from his bag and on opening it, he found that gold ornaments were stolen away. He shouted and informed the bus conductor, who took the bus to the police station. It was revealed that one of the culprits had thrown away the stolen property from the window of the bus. Lateron, that was also recovered. The similar tablets were also seized from the culprits and as per the report of Chemical Analyser said tablet's results for the detection of cannabis constituents are positive. It shows that said tablets were supifying drugs, which were used for the purpose of making complainant unconscious and then committed theft.

3. The applicant is from Uttar Pradesh. There is every possibility that if bail is granted, he may not be available for the trial. Taking into consideration nature of the offence and the other circumstances, I find that it is not a fit case to grant bail.

4. Application stands rejected. However, as accused is in custody for last one year, the Additional Sessions Judge Karad shall expediate the trial and dispose off the matter, as early as possible and in any case, before the end of April 2007.

Sd/-
[J. H. BHATIA, J.]